



# ODCP Legislative Update

## The 85th General Assembly

The Update is a recap of any legislative action (not just action taken on ODCP proposals) relating to drug control and criminal justice issues, the aim of which is to keep you informed of proposed legislation and any progress it makes toward becoming law.

Please feel free to forward this information to others who may be interested.

The 85th General Assembly gaveled in on Monday, January 14th, 2013. The 2013 Session Timetable is listed here.

Please note that this timetable is subject to change.

JANUARY 14 First day of session (Iowa Code Sec. 2.1)

FEBRUARY 15 Final day for individual Senator and Representative requests for bill drafts to the  
(Friday of the 5<sup>th</sup> week) Legislative Services Agency (Senate Rule 27 and House Rule 29)

MARCH 8 Final date for Senate bills to be reported out of Senate committees  
(Friday of the 8<sup>th</sup> week)\*\* (and House bills out of House committees) (Joint Rule 20)

MARCH 18—MARCH 22 Senate only considers Senate bills and unfinished business  
(10<sup>th</sup> week) (House considers only House bills and unfinished business) (Joint Rule 20)

MARCH 25—APRIL 5 Debate not limited by rule  
(11<sup>th</sup> and 12<sup>th</sup> weeks)

APRIL 5 Final date for Senate bills to be reported out of House committees  
(Friday of the 12<sup>th</sup> week)\*\* (and House bills out of Senate committees) (Joint Rule 20)

APRIL 8—APRIL 12 Senate considers only House bills and unfinished business  
(13<sup>th</sup> Week) (House considers only Senate bills and unfinished business) (Joint Rule 20)

APRIL 15 Amendments need not be filed on the day preceding floor debate  
(Beginning of the 14<sup>th</sup> week) (House Rule 31.8)

APRIL 15  
(Beginning of the 14<sup>th</sup> week) Only the following bills are eligible for consideration: (Joint Rule 20)

- Appropriations Bills
- Ways and Means Bills
- Government Oversight Bills
- Legalizing Acts
- Bills co-sponsored by Majority and Minority Leaders of one House
- Companion Bills sponsored by Senate and House Majority Leaders
- Conference Committee Reports
- Concurrent or Simple Resolutions
- Bills passed by both Houses in different forms
- Bills on the Veto Calendar (Joint Rule 23)
- Administrative Rules Review Committee Bills
- Committee Bills related to delayed Administrative Rules [Iowa Code Sec. 17A.8 (9)]
- Joint Resolutions nullifying Administrative Rules
- Unfinished Business

MAY 3 110<sup>th</sup> calendar day of the session [Per diem expenses end - Iowa Code Sec. 2.10(1)]

\*\*The March 8 and April 5 committee deadlines do not apply to Appropriations Bills, Ways and Means Bills, Government Oversight Bills, Bills cosponsored

by Majority and Minority Leaders of one House, Companion Bills sponsored by the Majority Leaders of both Houses after consultation with

the respective Minority Leaders, Conference Committee Reports, Concurrent or Simple Resolutions, Joint Resolutions nullifying Administrative Rules,

Legalizing Acts, Administrative Rules Review Committee Bills, and Committee Bills related to delayed Administrative Rules [Iowa Code Sec. 17A.8(9)].

*Legislative Information Office: 8/28/2012*

### INTRODUCED IN THE HOUSE

**HF 22** An Act providing for the **creation of a medical marijuana Act** including the creation of nonprofit dispensaries, and providing for civil and criminal penalties and fees. 01/16/13 Introduced by Hunter, referred to Public Safety.

**HSB 12** An Act relating to the **possession of alcohol by certain minors** and juvenile court jurisdiction, and making penalties applicable. 01/16/13 Introduced by Baltimore, proposed committee on Judiciary bill.

### INTRODUCED IN THE SENATE

**SSB 1015** A study bill for an act relating to the Iowa information program for drug prescribing and dispensing. This bill relates to the information program for drug prescribing and dispensing (Iowa prescription monitoring program). The bill **requires a pharmacist or prescribing practitioner to obtain information about a patient from the information program for drug prescribing** and dispensing before prescribing or renewing a prescription for a controlled substance if the pharmacist or prescribing practitioner believes or has reason to believe the patient is at risk of drug diversion, misuse, or abuse. However, the bill provides that a pharmacist or prescribing practitioner who acts reasonably and in good faith is not liable for damages on the basis that the pharmacist prescribing practitioner did or did not seek information from the program. The bill allows the licensing board of a pharmacist or prescribing practitioner to adopt rules to implement the bill. The bill also strikes provisions relating to pharmacist or prescribing practitioner liability. 01/15/13 Wilhelm, Quirmbach, Segebart

**SSB 1017** A study bill for an act relating to controlled substances by making changes to the list of substances classified as controlled substances, allowing the exchange of information among prescription databases and monitoring programs, and making penalties applicable. The bill classifies the anabolic steroids methasterone and prostanazol as schedule III controlled substances. The criteria used to classify a substance as a schedule III controlled substance is established in Code section 124.207. It is a class "C" felony pursuant to Code section 124.401(1)(c)(8) for any unauthorized person to violate a provision of Code section 124.401 involving a controlled substance placed on schedule I, II, or III pursuant to the bill. A class "C" felony for this particular offense is punishable by confinement for no more than 10 years and a fine of at least \$1,000 but not more than \$50,000. If a person possesses a controlled substance in violation of Code section 124.401(5) as a first offense, the person commits a serious misdemeanor. A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least \$315 but not more than \$1,875. A second offense is an aggravated misdemeanor punishable by confinement for no more than two years and a fine of at least \$625 but not more than \$6,250. A subsequent offense is a class "D" felony punishable by confinement for no more than five years and a fine of at least \$750 but not more than \$7,500. The bill **also authorizes the board of pharmacy to enter into agreements with other jurisdictions in order to exchange information from the Iowa prescription monitoring program with similar programs in other jurisdictions**. The bill requires that any agreement entered into shall specify that all the information exchanged shall be used and disseminated in accordance with the laws of this state. The Iowa prescription monitoring program is used by prescribing practitioners and pharmacists on a need-to-know basis for facilitating early identification of patients who may be at risk for addiction, or who may be using, abusing, or diverting drugs for unlawful or otherwise unauthorized purposes. 01/15/13 Wilhelm, Quirmbach, Whitver

**SSB 1027/1028** A study bill for an act **requiring a person convicted of or receiving a deferred judgment for an aggravated misdemeanor to submit a DNA sample** and including effective date provisions. 01/16/13 Soddors, Courtney, Whitver

**SSB 1029** A study bill for an act relating to the excise tax on unlawful dealing in certain substances by adding new taxable substances and tax rates, modifying the taxation and rates of currently taxable substances, and making penalties applicable. The bill **adds imitation controlled substances, as defined in Code section 124A.2, to the list of taxable substances** and rates in Code section 453B.7, and **amends the definition of "dealer"** to include a person who ships, transports, or imports into this state or acquires, purchases, possesses, manufactures, or produces in this state one or more grams or dosage units of an imitation controlled substance. The definition of "dealer" is also amended to lower from seven grams or 10 dosage units to one gram or one dosage unit, the threshold at which a person is labeled a "dealer" if that person ships, transports, or imports into this state or acquires, purchases, possesses, manufactures, or produces in this state a controlled substance listed in Code section 124.204, subsection 4, paragraph "ai", (certain hallucinogenic substances), or subsection 6, paragraph "i", (certain stimulants). The bill **amends the rates of tax on dealers to tax imitation controlled substances and the controlled substances listed in Code section 124.204, subsection 4, paragraph "ai", (certain hallucinogenic substances), and subsection 6, paragraph "i", (certain stimulants)**, at \$1,200 per gram or dosage unit, and increases the other rates of tax as follows: On each gram of processed marijuana, from \$5 to \$8; on each unprocessed marijuana plant, from \$750 to \$1,200; on each gram of all other taxable substances, from \$250 to \$400; and on each 10 dosage units of all other taxable substances, from \$400 to \$640. The bill also amends Code section 453B.4 to require that any mixture of taxable substances containing an imitation controlled substance or a controlled substance listed in Code section 124.204, subsection 4, paragraph "ai", (certain hallucinogenic substances), and subsection 6, paragraph "i", (certain stimulants), shall be taxed at \$1,200 per gram instead of \$400 per gram. 01/16/13 Petersen, Hogg, Whitver

**SSB 1036** A study bill for an act relating to the governor's office of drug control policy and certain advisory councils. The bill updates membership and meeting requirements of the Iowa drug policy advisory council. The bill **amends the membership of the Iowa drug policy advisory council** to eliminate representation from the Iowa state police association but to include representation from the Iowa police chiefs association. The bill **reduces the minimum meeting requirement of the council** from meeting at least quarterly to at least semiannually. The bill **repeals the pseudoephedrine advisory council** established in 2009 within the governor's office of drug control policy. 01/16/13 Courtney, Horn, Zaun

**SSB 1043** A study bill for an act relating to the possession of certain products with the intent to use the products to manufacture a controlled substance, and making penalties applicable. The bill **makes sodium hydroxide, ammonia nitrate, ammonia sulfate, and white gas illegal to possess if the person possesses such products with the intent to manufacture a controlled substance**. If a person possesses sodium hydroxide, ammonia nitrate, ammonia sulfate, or white gas with the intent to manufacture a controlled substance, the person commits a class "D" felony. 01/16/13 Quirmbach, Hogg, Schneider

**SSB 1045** A study bill for an act relating to the controlled substance of marijuana, providing a penalty, and including an effective date provision. Under the bill, **all types of marijuana and tetrahydrocannabinols are classified as schedule I controlled substances**. The bill eliminates a provision classifying marijuana used for medicinal purposes, pursuant to rules of the board of pharmacy, as a schedule II controlled substance. The bill strikes references to the authority of the board to establish rules relating to the medicinal use of marijuana including tetrahydrocannabinols naturally contained in a cannabis plant. 01/16/13 Quirmbach, Courtney, Boettger

**SSB 1049** A study bill for an act concerning applications for liquor control licenses and micro-distilled spirits, beer, and wine permits. New Code section 123.32(1A) provides that a person who makes a false statement of material fact on an application for a license or permit may be denied the license or permit on the grounds of the false statement. New Code section 123.32(1B) **provides authority for the alcoholic beverages division to conduct criminal history background checks of applicants for licenses and permits** and any other person required to be listed on the application for that license or permit. The bill authorizes the division to obtain criminal history data from the department of public safety and to require applicants to provide a set of fingerprints for purposes of conducting a national criminal history check. The bill provides that criminal history data obtained pursuant to this new provision is confidential but may be used in a license or permit denial or other regulatory proceeding brought by the division. The bill also provides that the division pay the cost of all fingerprinting and criminal history checks conducted pursuant to this new provision. Code section 123.32 is also amended to provide that the requirements and procedures for applications for liquor control licenses and wine and beer permits also apply to micro-distilled spirits permits. 01/16/13 Seng, Mathis, Anderson

#### Information telephone numbers and web sites

Legislature Web Site: [www.legis.iowa.gov](http://www.legis.iowa.gov)

Daily Legislative Schedules: 515-281-5869

House Switchboard: 515-281-3221 (To Contact Legislators)

Senate Switchboard: 515-281-3371 (To Contact Legislators)

Office of Drug Control Policy: 515-725-0300 or [www.iowa.gov/odcp](http://www.iowa.gov/odcp)

If you have any questions, comments or would like a bill added to the list, please contact

Susie Sher at 515-725-0308 or [susie.sher@iowa.gov](mailto:susie.sher@iowa.gov)

If you would like removed from this list or know someone who would like added, please respond to Susie Sher. Thank you.